

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
DARVA WATKINS)
 vs.) No. 00 -0678
)
PEOPLES GAS LIGHT AND COKE COMPANY)
)
Complaint as to Disconnection of)
Gas Service due to Company Errors)
in Billing in Chicago, Illinois.)

Chicago, Illinois
January 11, 2001

Met pursuant to notice at 10:00 a.m.

BEFORE :

MS. DEBORAH KING, Administrative Law Judge.

APPEARANCES:

MS. DARVA WATKINS
909 East 40th Street, Apt. 102
Chicago, Illinois 60653
Appearing Pro se;

MR. TIMOTHY P. WALSH
130 East Randolph Street, Suite 2300
Chicago, Illinois 60601
Appearing for Peoples Gas.

SULLIVAN REPORTING COMPANY, by
Tracy L. Ross, CSR

1 MS. KING: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call Docket
3 No. 00-0678. This is the complaint of Darva
4 Watkins versus Peoples Gas.

5 May I have the appearances for the
6 record.

7 MR. WALSH: On behalf of respondent, the
8 Peoples Gas Light and Coke Company,
9 Timothy P. Walsh, 130 East Randolph Drive,
10 Chicago, Illinois 60601.

11 MS. KING: And Ms. Watkins, since you are
12 representing yourself, you need to give your name
13 and address.

14 MS. WATKINS: I'm Darva Watkins, 909 East 40th
15 Street, Apartment 102, Account No. 276509 -04715
16 and Account No. 904358 -00715.

17 MS. KING: All right. We're here today -- let
18 me say it over. We're here today to proceed with
19 the case or complaint. However, I received a
20 motion dated January 4, 2001, from the
21 respondent, Peoples Gas. That being a motion to
22 compel discovery, and I don't have a response on

1 file. However, I did speak with Ms. Watkins by
2 telephone yesterday to ask if there would be a
3 response. Since I don't have that in writing, I
4 guess that I would just indicate that for the
5 record here today. We probably need to have, for
6 the record, the motion argued, so that I can rule
7 on it to determine whether we can proceed or not
8 today.

9 So, counsel, if you would proceed with
10 arguing your motion.

11 MR. WALSH: Yes, thank you, Judge. Peoples
12 Gas filed a motion to compel discovery on January
13 the 4th, and we served it on the complainant and
14 the Hearing Examiner.

15 At the November 13 hearing, the first
16 and only prior hearing to today, the Hearing
17 Examiner set a discovery schedule by mutual
18 assent by the parties. The requests were to be
19 served by November 30th, and replies were to be
20 served by December the 29th.

21 The respondent did serve a
22 three-question data request on the complainant on

1 December 1st after obtaining permission from the
2 Hearing Examiner to serve it one day late. That
3 still allowed the 28 days required pursuant to
4 Section 200.410 of the Commission's rules of
5 practice for the respondent -- complainant to
6 reply.

7 On January the 3rd, after having no
8 response or no contact with the complainant, I
9 phoned Ms. Watkins and asked if she intended to
10 respond prior to today's hearing and she
11 indicated to me that she had seen the request,
12 didn't believe that it required a response, that
13 she would look it over again; and if it required
14 a response, she would fax something to me prior
15 to today; and I stated to her that as you had
16 indicated when you explained the discovery
17 process, a response was required and that if she
18 wasn't going to respond, I was going to be forced
19 to file a motion to compel discovery and I filed
20 the motion the following day.

21 In the motion, the company requests that
22 the Hearing Examiner compel the complainant to

1 reply to the data request by January the 18th
2 which is one week from today and that you delay
3 evidentiary hearing in the proceeding until at
4 least the week after that response which would be
5 January the 25th.

6 Would you like me to repeat the basis
7 for the motion?

8 MS. KING: Sure.

9 MR. WALSH: Okay. The Commission's rules of
10 practice Sections 300.340 encourage voluntarily
11 discovery, and as you recall, you gave a very
12 lengthy explanation to this prior to setting the
13 schedule at the prior hearing.

14 Under the rulings under Section 200.350
15 also require that the parties reasonably attempt
16 to resolve any disputes, which we feel we did by
17 calling the complainant and asking if she could
18 please just respond.

19 To avoid any unnecessary delay and
20 subject Peoples Gas to unreasonable annoyance
21 expense or disadvantages the rules required, we
22 again ask that the Hearing Examiner grant our

1 motion, require the complainant to compel -- to
2 respond by January 18th and delay the hearing
3 until at least the 25th. And I might add, I
4 didn't put it in there, but I'd like you to
5 include in the order that if the complainant
6 does not respond, she be barred from using the
7 evidence that's asked for in the motion in
8 future -- in the proceeding either as evidence or
9 raise the issue in the proceeding at any future
10 time, thank you.

11 MS. KING: All right. Ms. Watkins, do you
12 have a response?

13 MS. WATKINS: I did fax the information to the
14 attorney's office this morning from my home in
15 reference to what he was calling me for, for
16 whatever reason. The reason why I did not
17 respond to the information he had sent to me is
18 because, to me, the questions aren't relevant for
19 what I'm here for, in my opinion, because the
20 questions that he asked me -- it doesn't have
21 anything to do with -- it's irrelevant to why I'm
22 here, and I don't know if I should just tell

1 Peoples Gas, Illinois Commerce Commission to keep
2 going around in a circle for three years over
3 something that doesn't even pertain to why I am
4 trying to resolve this matter with Peoples Gas.

5 I do have a final letter that I would
6 give you a copy of and fax one over to the
7 attorney's office stating that this is my last
8 and final letter within a three-year period that
9 I'm going to give to the Illinois Commerce
10 Commission, due to the fact that this problem has
11 been -- I've been going around in circles with
12 this situation for three years.

13 So to answer your question, I did get
14 two -- one this morning at 8:00 o'clock, one last
15 night, and then I got one -- UPS from the
16 attorney and then I got one that he mentioned
17 weeks ago, and as I mention, I didn't feel it was
18 necessary to respond to something that was not
19 relevant to why I'm here.

20 MS. KING: Okay. Now you've indicated you
21 just faxed that today.

22 MS. WATKINS: When I spoke with Ms. King --

1 are you Ms. King?

2 MS. KING: Yes.

3 MS. WATKINS: Okay your voice sounded

4 different than on the telephone. Ms. King, when

5 you and I spoke yesterday, I did mention that to

6 you that I didn't fax it over -- didn't send a

7 response back, because I felt it was not

8 relevant; but because you stated anything that I

9 get from the attorney, from Peoples Gas, just to

10 go ahead and respond to it because it may be

11 needed; and I just felt that it wasn't necessary,

12 because that's not the purpose of me being here.

13 MS. KING: But I'm just asking you, you

14 indicated that you faxed it this morning?

15 MS. WATKINS: Yes.

16 MS. KING: Okay.

17 MS. WATKINS: The response.

18 MS. KING: Did you receive --

19 MR. WALSH: I checked the fax machine right

20 before I left and I had checked -- my own fax

21 comes directly and I hadn't received a fax.

22 MS. KING: Okay. All right.

1 MS. WATKINS: But I did bring -- I still
2 brought the response here with me. I brought all
3 two copies and my answers. They were very short
4 questions.

5 MS. KING: That's fine. I mean, if you could
6 present that.

7 MS. WATKINS: I have it here.

8 MS. KING: If you have a copy and you can
9 present that to counsel today, but, I mean, we're
10 not -- as I tried to explain yesterday, the rules
11 require that there be a process that's adhered
12 to; and that process, as I explained on our last
13 hearing date, indicates that if there is
14 discovery requested that there should be a
15 response to that --

16 MS. WATKINS: Right, right.

17 MS. KING: -- if there was a problem or
18 concern or if you felt somehow that it was --
19 those questions were irrelevant, it either should
20 have been brought to my attention right away or
21 your response to counsel could have been -- I
22 object. I feel it was irrelevant. It's

1 irrelevant, and then he would have brought that
2 to my attention. So I mean, to let nothing go by
3 from -- what was it October?

4 MR. WALSH: January -- December 1st.

5 MS. KING: Okay. December when -- I guess,
6 the request was served until the motion to compel
7 was filed a month later, you know, and giving
8 counsel the indication that you weren't going to
9 be responding to it. I mean, I don't have a
10 choice but to adhere to what the rules require.

11 He is allowed to bring this motion to
12 compel. He is requesting this information. I
13 don't have any indication that the information
14 that he's requested is irrelevant, immaterial;
15 and so what I'm going to do is, I'm going to
16 grant the motion to compel. If you have the
17 documents here today, you can present that to
18 counsel; and therefore, we don't have to wait
19 until January 18th. But I think that his request
20 to continue this to January 25th, which is a very
21 short period of time, that's two weeks, is quite
22 reasonable; and therefore, I would continue this

1 for hearing to January 25th.

2 MS. WATKINS: It makes me no difference,
3 because whatever I have to do to resolve this --
4 if I have to do what I said I need to do after
5 today, then I need to do what I need to do. I'm
6 going to present this to him, because I'm
7 really -- this is really starting to aggravate
8 me, because I really have been going through
9 this, not with the attorney, but with Illinois
10 Commerce Commission and Peoples Gas for three
11 years. I have not had service for three years.

12 MS. KING: I understand that, but as I
13 explained, when we were here before, there's a
14 process. As far as this proceeding, it's only as
15 old as your formal complaint and your formal
16 complaint was filed on October -- I'm sorry.

17 MR. WALSH: 19th.

18 MS. KING: Your formal complaint was filed on
19 October 19th and so we're moving this along.

20 We will have the hearing on January the
21 25th, but, I mean, you need to present those
22 documents to counsel so that he can prepare his

1 witnesses to address those -- those things in
2 your documents.

3 So I will set this for hearing on
4 January 25th at 10:00 a.m.

5 MS. WATKINS: Ms. King, do you want me to
6 present the documents to the attorney right now?
7 I faxed it to him. I have the hard copy right
8 here.

9 MS. KING: If you have a copy that you can
10 give to him. If you don't have a copy that you
11 can give to him, we can make copies downstairs.

12 MS. WATKINS: No, I have copies. I have one
13 right here, a hard copy.

14 MR. WALSH: Can we go off the record for a
15 couple minutes while I look at it.

16 MS. KING: Sure.

17 (Discussion off the record.)

18 MS. KING: Okay. We have tendered -- or I
19 should say the complainant has tendered over to
20 the respondent responses to his data request here
21 today; and as indicated before, we will allow
22 respondent time to review these documents; and we

1 will reconvene this matter on January 25th at
2 10:00 a.m. to convene for the evidentiary hearing
3 at that time.

4 MR. WALSH: Thank you.

5 MS. KING: All right. I thank everyone.

6 (Whereupon the proceedings
7 in the above-captioned matter
8 were continued until
9 January 25, 2001 at
10 10:00 a.m.)

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
)
COUNTY OF COOK)
)
CASE NO. 00-0678)

TITLE: DARVA WATKINS vs. PEOPLES GAS LIGHT AND
COKE COMPANY

 I, Tracy L. Ross do hereby certify that I am a
court reporter contracted by SULLIVAN REPORTING
COMPANY, of Chicago, Illinois; that I reported in
shorthand the evidence taken and the proceedings
had in the hearing on the above-entitled case on
the 11th day of January A.D. 2001; that the
foregoing 12 pages are a true and correct
transcript of my shorthand notes so taken as
aforesaid, and contains all the proceedings
directed by the Commission or other person
authorized by it to conduct the said hearing to
be stenographically reported.

 Dated at Chicago, Illinois, this 25th
day of January A.D. 2001.

TRACY L. ROSS